

SENATE FINANCE COMMITTEE

April 16, 2021

9:05 a.m.

[9:05:33 AM](#)

CALL TO ORDER

Co-Chair Bishop called the Senate Finance Committee meeting to order at 9:05 a.m.

MEMBERS PRESENT

Senator Click Bishop, Co-Chair
Senator Bert Stedman, Co-Chair
Senator Lyman Hoffman
Senator Donny Olson
Senator Natasha von Imhof (via teleconference)
Senator Bill Wielechowski
Senator David Wilson

MEMBERS ABSENT

None

ALSO PRESENT

Erin Shine, Staff, Senator Click Bishop; Loki Tobin, Staff, Senator Begich; Senator Lora Reinbold.

SUMMARY

SB 10 FREE/REDUCED TUITION FOR ESSENTIAL WORKER

SB 10 was HEARD and HELD in committee for further consideration.

CSHB 76 (FIN) am

EXTENDING COVID 19 DISASTER EMERGENCY

SCS CSHB 76 (FIN) was REPORTED out of committee with a "do pass" recommendation and with three previously published zero fiscal notes: FN 1 (CED), FN 2 (DHS), FN 3 (DPS); and two indeterminate fiscal notes: FN 4 (MVA) and FN 5 (REV).

#hb76

CS FOR HOUSE BILL NO. 76 (FIN) am

"An Act extending the January 15, 2021, governor's declaration of a public health disaster emergency in response to the novel coronavirus disease (COVID-19) pandemic; approving and ratifying declarations of a public health disaster emergency; providing for a financing plan; making temporary changes to state law in response to the COVID- 19 outbreak in the following areas: occupational and professional licensing, practice, and billing; telehealth; fingerprinting requirements for health care providers; charitable gaming and online ticket sales; access to federal stabilization funds; wills; unfair or deceptive trade practices; meetings of shareholders; and school operating funds; relating to informed consent for COVID-19 vaccines; relating to personal objections to the administration of COVID-19 vaccines; providing immunity from liability and disciplinary action for occupational licensees for exposure of clients to COVID-19; providing immunity from liability for persons engaging in business and their employees for exposure of customers to COVID-19; and providing for an effective date."

9:06:37 AM

Senator Hoffman MOVED to ADOPT the committee substitute for CSHB 76 (FIN) am, Work Draft 32-GH1011\R (Dunmire, 4/15/210).

Co-Chair Bishop OBJECTED for discussion.

9:07:10 AM

ERIN SHINE, STAFF, SENATOR CLICK BISHOP, discussed the Explanation of Changes (copy on file):

Section 1: Findings

Changes date on page 3, line 24 from September 30 to December 31

Section 2: Public Health Disaster Emergency; Approval, Ratification, and Extension of Disaster Emergency

Changes date on page 3, line 31 from September 30 to December 31

New Section Added

Section 3: Emergency Powers of The Governor

Restricts the governor from acting in response to COVID-10 public health disaster emergency by removing access to 26.23.020(g)(4-6), (8), and (11)

New Section Added

Section 4: Emergency Powers of The Commissioner of Health and Social Services

Provides declaration powers to the commissioner of Health and Social Services for a public health emergency to respond to the ongoing COVID-19 pandemic to support emergency allotments for Supplemental Nutritional Assistance Program, CMS blanket waivers, 1135 Social Security Act waivers; 1915(c) Appendix K waivers; and funding under the Stafford Act related to non-congregate sheltering.

Provides authority for the commissioner of Health and Social Services during a declared public health emergency to:

- coordinate, allocate, distribute, and manage vaccine doses and therapeutics; and
- request the utilization of emergency procurement if it is related to the public health emergency.

The public health emergency will expire the earlier of when the commissioner determines the public health emergency is no longer necessary or when the federal public health emergency issued under sec. 319 of the Public Health Services Act expires.

Section 5: Public Health Disaster Emergency; Financing Plan

Removes previous subsection (a)(8)

Section 6: Reports

Changes date on page 7, line 4 from March 1 to May 1

Changes date on page 7, lines 11-12 from November 30, 2021 to January 31, 2022

Section 7: Professional and Occupational Licensing

Changes date on page 7, line 27 from September 30 to December 31

Section 8: Telemedicine and Telehealth

On page 9, lines 20-21, includes behavioral health care service providers to the definition of health care provider.

Section 10: School Operating Funds

Changes repeal date from June 30, 2023 to June 30, 2025.

New Section Added

Section 11: Workers' Compensation Presumption of Compensability

Provides that individuals employed as firefighters, emergency medical technicians, paramedics, peace officers, or health care providers, who contract COVID-19, are presumed to have contracted an occupational disease arising out of and in the course of employment during the public health disaster emergency declaration and are eligible for workers' compensation benefits.

New Section Added

Section 12: Program Execution

Restricts the governor from increasing appropriations through the revised program legislation (RPL) process for federal receipts of:

- Coronavirus Response and Relief Supplemental Appropriations Act funds for the Department of Transportation and Public Facilities,
- American Rescue Plan Act funds for the Coronavirus State and Local Fiscal Recovery Funds, or
- funds appropriated by the 117th Congress for infrastructure, jobs, as part of the American Jobs Plan, related to COVID-19 or economic recovery.

Provides clarification that this section does not apply to appropriations and expenditures ratified under HB 313 (ch. 32, SLA 2020), or to appropriations increased in compliance with AS 37.07.080(h) before the retroactive February 14, 2021 effective date.

New Section Added

Section 13: Civil Liability

Provides civil and criminal liability for a state agency, or an employee or agent of the state acting in an official capacity for the state for acts performed in good faith based on the authority in this Act. This section does not grant immunity for acts or omissions that constitute gross negligence, reckless misconduct, or intentional misconduct.

Section 14: Licensee Liability for Client Exposure To COVID-19

Changes section from codified to uncodified law and is repealed June 30, 2023.

Provides clarity for what constitutes "gross negligence" with respect to licensee actions to protect clients from COVID-19. Substantial compliance with applicable health mandates proves a licensee is not negligent. If there are no mandates that apply to the licensee, substantial compliance with mandates from another municipality or federal guidelines would serve as proof that a licensee was not negligent.

Section 15: Business and Employee Liability for Customer Exposure to COVID-19

Changes section from codified to uncodified law and is repealed June 30, 2023.

Provides clarity for what constitutes "gross negligence" with respect to a business's actions to protect customers from COVID-19. Substantial compliance with applicable health mandates proves a business is not negligent. If there are no mandates that apply to the business, substantial compliance with mandates from another municipality or federal guidelines would serve as proof that a business was not negligent.

Defines "business" for this section using a definition that currently exists in statute.

Section 16: Abortion Funding

Prohibits funds received by the State under the Coronavirus Aid, Relief, and Economic Act, the Coronavirus Response and Relief Supplements Appropriations Act, or the American Rescue Plan Act may be expended for an abortion that is not mandatory under AS 47.07.030(a).

Section 18: Repeals sections of SB 241
Changes date on page 14, line 16 from September 30 to
December 31

Section 20: Repeal Section
Adds Sections 3 (Emergency Powers of the Governor),
and 13 (Civil Liability Immunity) to the repeal date
of December 31, 2021 or when the governor determines a
public health disaster emergency no longer exists.

Adds Sections 4 (Emergency Powers of the Commissioner
of the Department of Health and Social Services), 14
(Licensee Liability for Client Exposure to COVID-19),
and 15 (Business and Employee Liability for Customer
Exposure to COVID-19) to the repeal date of June 30,
2023.

Repeals Section 10 (School Operating Funds) on June
30, 2025.

Section 21: Retroactivity
Adds Section 11 (Workers' Compensation Presumption of
Compensability) to retroactive date of November 15,
2020.

Sections Removed

- Fingerprinting
- Meetings of Shareholders
- Informed Consent for COVID-19 Vaccines
- Personal Objection to the Administration of
Vaccines

All other changes are technical or conforming.

Co-Chair Bishop WITHDREW the OBJECTION. There being NO
OBJECTION, the proposed committee substitute was adopted.

Co-Chair Bishop asked Co-Chair Stedman to review the fiscal
notes.

[9:14:09 AM](#)

Co-Chair Stedman explained the fiscal notes.

Senator Wilson MOVED to REPORT SCS CSHB 76(FIN) out of
committee with individual recommendations and accompanying

zero and indeterminate fiscal notes. There being NO OBJECTION, it was so ordered.

SCS CSHB 76(FIN) was REPORTED out of committee with a "do pass" recommendation and with three previously published zero fiscal notes: FN 1(CED), FN 2 (DHS), FN 3 (DPS); and two indeterminate fiscal notes: FN 4 (MVA) and FN 5 (REV).

9:17:41 AM

AT EASE

9:20:14 AM

RECONVENED

#sb10

SENATE BILL NO. 10

"An Act establishing a grant program to provide to essential workers the tuition and fees to attend a state-supported postsecondary educational institution."

9:20:43 AM

LOKI TOBIN, STAFF, SENATOR BEGICH, introduced the legislation. She stated that the bill offered those who were most significantly economically impacted by the Covid-19 pandemic the opportunity to retrain and advance their employment options. The legislation would offer Alaskans who served on the frontlines the opportunity to advance their education. She stated that it was similar to the Alaska Education Grant. The legislation created an education grant that sought federal funds. She stated that the result would be the opportunity for students to explore career opportunities and move past their current situations in a post-pandemic world.

Senator Olson queried the approximate amount of leveraged federal funds.

Ms. Tobin replied that she did not have an approximate amount, but deferred to the department for that information.

Senator Olson wondered whether the federal funds would be delivered to the student or the educational institution.

Ms. Tobin replied that the funds given to the student would be funneled through the university or institution.

Senator Wilson surmised that the qualifying individuals was anyone who wanted to be a student in the state.

Ms. Tobin pointed to page 3 of the bill, line 9, which outlined the eligibility of the program.

[9:24:29 AM](#)

Senator von Imhof did not know why the bill was only for essential workers, and not for anyone that needed to change their circumstances. She did not like that UGF and the Higher Education Fund were used to pay for the program.

Co-Chair Stedman remarked that the committee would address that issue continually, and stressed that the source of funds should be under close examination as a result of the impact of Covid-19.

Senator Wielechowski wondered whether the bill sponsor had a position on whether Coronavirus Aid, Relief, and Economic Security (CARES) Act funds or UGF should be used for the program.

Ms. Tobin replied that the program was modeled after a program in Michigan, which used CARES funds. She stated that she would be open to the committee's recommendations about opening up the program to more applicants.

Co-Chair Bishop thanked Senator Begich for the bill, because of the conversations about education and the connectivity between the state agency to deliver a workforce.

[9:30:33 AM](#)

Senator Olson queried an estimate of the extra cost.

Ms. Tobin stated that it was difficult to determine that amount, and explained that there was an overall cap to keep the costs low.

Senator Wilson wondered whether the bill would allow for attendance at the trade schools.

Ms. Tobin replied in the affirmative.

Senator Wilson surmised that the program would not be permitted in private trade schools.

Ms. Tobin stated that, per the recommendation from Legislative Legal, public funds could not be utilized in private institutions.

Senator Wilson wondered whether the bill sponsor had considered conversing with Congress about utilizing the funds for the private institutions.

Ms. Tobin replied that the bill sponsor would entertain any conversation or amendment to the bill.

Co-Chair Bishop stated that the amendment deadline would be Monday, April 19 at 12 noon. He discussed the following week's schedule.

SB 10 was HEARD and HELD in committee for further consideration.

#

ADJOURNMENT

[9:33:51 AM](#)

The meeting was adjourned at 9:33 a.m.